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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUIS ARNALDO CALZADILLAS,

Petitioner - Appellant,

v.

MATTHEW MARTEL,

Respondent - Appellee.

No. 07-55685

D.C. No. CV-06-07316-CAS

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
Christina A. Snyder, District Judge, Presiding

Submitted March 6, 2009<sup>\*\*</sup>  
Pasadena, California

Before: O'SCANNLAIN, RYMER, and WARDLAW, Circuit Judges.

Luis Arnaldo Calzadillas appeals from the district court's order denying habeas relief. Calzadillas was convicted of receipt of stolen property under California Penal Code section 496(a), based on stolen goods found in the back of

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

an Escalade truck driven by Omar Peña, but owned by Calzadillas. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

1. We agree with the district court that the reasoning cited in the state court’s decision entailed an unreasonable application of the Supreme Court’s *Jackson* standard, *see Juan H. v. Allen*, 408 F.3d 1262, 1274–75 (9th Cir. 2005), which dictates habeas relief when, “upon the record evidence adduced at the trial[,] no rational trier of fact could have found proof of guilt beyond a reasonable doubt,” *Jackson v. Virginia*, 443 U.S. 307, 324 (1979). The state court inferred Calzadillas’s guilt from ownership of the Escalade, and from lack of evidence that Peña was driving the Escalade without Calzadillas’s permission. Ownership of the Escalade, however, is not sufficient to establish possession of stolen property because the required elements of “[d]ominion and control . . . cannot be inferred from mere presence or access.” *People v. Land*, 35 Cal. Rptr. 2d 544, 548 (Ct. App. 1994) (alteration in original) (internal quotation marks omitted). A lack of evidence that Peña’s use of the Escalade was unauthorized also does not provide affirmative evidence beyond a reasonable doubt that Calzadillas and Peña were working together to commit a crime.

2. We also agree, however, with the district court’s de novo determination that other record evidence supports the conviction. As a co-owner of a trucking

company and a police informant, Calzadillas knew how crimes of this type are committed; he contradicted himself regarding his involvement with the warehouse; and he admitted that the Starter clothing recovered from his house was stolen.

“[D]raw[ing] reasonable inferences from proven facts by assuming that the jury resolved all conflicts in a manner that supports the verdict,” *Walters v. Maass*, 45 F.3d 1355, 1358 (9th Cir. 1995), we conclude that these circumstances are sufficient record evidence upon which a rational trier of fact could have found proof of guilt beyond a reasonable doubt.

**AFFIRMED.**

O’SANNLAIN, Circuit Judge, specially concurring:

I concur in the disposition except for paragraph 1.